

RECEIVED
CENTRAL FAX CENTER

007/017

JUN 03 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated:

5-26-05

Signature:

Devin L. Caruso
(Devin L. Caruso)

Docket No.: SMCY-P01-105
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bernhard W. Kuchel et al

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R. G. Santos

For: ONE-SIDED MATTRESS

REQUEST FOR CORRECTION/AMENDMENT OF INVENTORSHIP
UNDER 37 C.F.R. §1.48(A)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests that the inventorship be corrected and the above-captioned application, including page 1 of the specification, be amended to add Michael DeFranks. With such amendment, Bernhard W. Kuchel and Michael DeFranks are the joint inventors of the subject application.

Enclosed herewith are the following documents: Statement under 37 C.F.R. §1.48(a)(2) by Michael DeFranks, Consent of Assignee, Assignment, and an executed Declaration by the actual inventor as required by §1.63.

As set forth in C.F.R. 1.17(i) the fee of 130.00 is authorized to be charged to deposit account 18-1945. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

Application No.: 10/661327

Docket No.: SMCY-P01-105

this application by this firm) to our Deposit Account No. 18-1945, under Order No. SMCY-P01-105.

Dated: May 26, 2005

Respectfully submitted,

By

Edward J. Kelly

Registration No.: 38936

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-26-05Signature: Daniel Cornish
Daniel CornishRECEIVED
CENTRAL FAX CENTER

JUN 09 2005

Docket No.: SMCY-P01-105
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bernhard W. Kuchel et al

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R. G. Santos

For: ONE-SIDED MATTRESSSTATEMENT UNDER 37 C.F.R. §1.48(A)(2) BY MICHAEL DEFRANKSMS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Michael DeFranks, hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application".
2. The referenced application was filed as an application of Bernhard W. Kuchel.
3. The inadvertent omission of my name as an inventor occurred through error without any deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 3/7/2005Michael DeFranks
Michael DeFranks

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: **MS Issue Fee** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-26-05 Signature: [Signature]
(Daniel G. Santos)

SMCY- P01-105
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bernhard W. Kuchel et al.

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R.G. Santos

For: ONE-SIDED MATTRESS

CONSENT OF ASSIGNEE

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Dreamwell, Ltd., a limited liability corporation, states that it is the Assignee of the entire right, title, and interest in the above-captioned patent application by virtue of an assignment from Bernhard W. Kuchel (recorded in the U. S. Patent and Trademark Office at Reel 014385, Frame 0044) and an assignment from Michael DeFranks to Dreamwell, Ltd., a copy of which is attached. Assignee, Dreamwell, Ltd., hereby consents to the enclosed Petition to Correct Inventorship under 37 C.F.R. §1.48(a), to add Michael DeFranks as co-inventor(s) in the present application.

Dated: May 23, 2005

Respectfully submitted,

Dreamwell, Ltd.

By: [Signature]

Name: William A. Creekmuir
Title: President

9731522_1.DOC

SMCY-P01-105

ASSIGNMENT

WHEREAS, We, Bernhard W. Kuchel and Michael DeFranks, have invented a certain improvement in One-Sided Mattress described in an application for Letters Patent of the United States, the specification of which:

[] is being executed on even date herewith; and is about to be filed in the United States Patent Office;

[x] was filed on September 12, 2003 as Application No. 10/661327.

[] was patented under U.S. Patent No _____ on _____.

WHEREAS, Dreamwell, Ltd., (hereinafter "ASSIGNEE"), a limited liability company organized and existing under the laws of the State of Nevada, having principal offices at 2325-B Renaissance Drive, Las Vegas, Nevada 89119, desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, We have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon, and any reissue, continuation, divisional and foreign counterparts thereof; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment not been made; We hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent, all choses in action pertaining to the applications or Letters Patent including the right to sue for and collect damages and other recoveries for past infringement thereof, all rights to initiate proceedings before government and administrative bodies, and all files, records and other materials arising from the prosecution, exploitation, or defense of rights and registrations pertaining to the applications or Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

SMCY-P01-105

AND, We hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seal(s) the date set forth below.

Inventor's Signature: _____
Bernhard W. Kuchel

State of _____)
County of _____)

Then personally appeared before me the above-named Bernhard W. Kuchel and acknowledged that he executed the foregoing instrument as his free act and deed this _____ day of _____, 2005.

(SEAL)

Notary Public

SMCY-P01-105

Inventor's Signature: Michael DeFranks
Michael DeFranks

State of)
County of)

Then personally appeared before me the above-named Michael DeFranks and acknowledged that he executed the foregoing instrument as his free act and deed this 24th day of May, 2005.

(SEAL)

Barbara S. Anderson
Notary Public

My commission expires 7-29-08

BARBARA S. ANDERSON
Notary Public, Gwinnett County, Georgia
My Commission Expires June 29, 2008

Form PTO-1595 (Rev. 09/04)
OMB No. 0651-0027 (exp. 8/30/2005)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Michael S. DeFranks

Execution Date(s): May 24, 2005

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

2. Name and address of receiving party(ies)

Name: Dreamwell, Ltd.

Internal Address:

Street Address:

2325-B Renaissance Drive

City: Las Vegas

State: Nevada

Country: United States of America Zip: 89119

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

A. Patent Application No.(s)

10/661327

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Edward J. Kelly
ROPES & GRAY LLP

Internal Address: Atty. Dkt.: SMCY-P01-105

Street Address: One International Place

City: Boston

State: MA Zip: 02110-2624

Phone Number: (617) 951-7532

Fax Number: (202) 626-3961

Email Address: ekelly@ropesgray.com

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00


- ☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 18-1945
Authorized User Name Edward J. Kelly

9. Signature:


 Signature
 Edward J. Kelly - 30936
 Name of Person Signing

May 26, 2005

Date

Total number of pages including cover sheet, attachments, and documents: ☐

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Assignment Recordation Services, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-25-05

Signature: Denise Camerato

(Denise Camerato)